IN THE HIGH COURT OF JUDICATURE
AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.727 OF 2006

Umashankar V. Vishwakarma ...Petitioner
Vs.
State of Maharashtra & Ors. ...Respondents

Mr. A.P.Mishra for the Petitioner
Ms. Alpa Javeri h/f. Mrs. Teja Katdare for Respondent no.2
Mrs. S.D.Shinde A.P.P for the State

CORAM: SHRI J.N.PATEL &
SMT. ROSHAN DALVI, JJ.
DATED: 17TH AUGUST, 2006

P.C.

1. Though the matter is listed under the caption of 'order matter' for want of service on respondent nos. 2 and 3 Ms. Javeri holding for Mrs. Teja Katdare waives service on behalf of the respondent nos. 2 and 3.

2. We have asked the learned Counsel for the petitioner to address us on the point of admission as the learned A.P.P on seeking instructions informs us that so far as prayer clause (c) in the Petition is concerned, it has become infructuous, and that the police have already filed a charge sheet after investigating the case registered vide FIR No.738 of 2006 with Malvani Police Station, Malad (West), Mumbai-

400 095. In so far as other prayers in the Petition are concerned, the grievance of the petitioner is that the police have not taken cognizance of his complaint which is at Exhibit-F.

3. We have gone through the complaint which is in the form of a notice issued by Mr. Ashok Mishra, Advocate High Court who also appears for the Petitioner. On going through the said notice, we are not able to make out as to what offence has been committed and by whom and therefore, this Court will not be in a position to issue any order or direction in the nature of writ of mandamus or otherwise to register offence against respondents on the basis of such a complaint. Therefore, nothing survives in the Petition.

4. At this stage, Mr. Mishra, learned Counsel appearing for the petitioner submits that the petitioner may be granted leave to file a fresh Petition after seeking instructions in the matter and collecting all the material, documentary evidence in support of the grievance of the petitioner.

5. The Petition is dismissed with liberty as prayed.

(SMT.ROSHAN DALVI, J.) (SHRI. J.N. PATEL, J.)